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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,075	04/08/2004	William Myers JR.	584-35897US (102.72)	9206
41904	7590	11/29/2005	EXAMINER	
KEITH R. DERRINGTON SIMMONS & DERRINGTON, L.L.P FROST BANK BUILDING 6750 WEST LOOP SOUTH, SUITE 920 BELLAIRE, TX 77401			RADI, JOHN A	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,075	Applicant(s) MYERS ET AL.	
	Examiner John A. Radi	Art Unit 3641	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed September 30, 2005 have been fully considered but they are not persuasive. The rubber jacket around the shaped charge is reinforcing in so far as it is providing extra material and support around the shaped charge. The applicant's claim is not specific as towards what type of reinforcement or to what degree is necessary, and therefore the rubber gasket can be providing support to the shape charge while it is being stored, transported, or lowered into the well – providing protection and reinforcement against shock from the environment around it. Therefore, the applicant's arguments with regard to the previous amendment are not persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Dines et al (4694754).

In regards to claims 1 and 3, Dines et al teach a shaped charge assembly comprising: a tubular casing (140) having an open end and a closed end (fig. 7); walls extending away from an outer edge of the closed end terminating on the open end (fig. 7) and reinforcing system (146) circumscribing at least a portion of the casing (fig. 7).

In regards to claim 2, Dines et al teach a space confined by an amount of explosive (142).

In regards to claim 4, a shape charge casing remains intact and does not fragment; therefore the spine doesn't contain any fragments.

In regards to claim 12, Dines et al teach the reinforcing system extends along a portion of the length of the gun body, producing an asymmetrical radial weight distribution around the axis of the gun body (fig. 3).

In regards to claim 5, Dines et al teach a retaining shell (188) circumscribing a portion of the casing (fig. 6).

In regards to claims 10 and 11, Dines et al teach a gun body capable of retaining multiple shaped charge assembly (fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dines et al (4694754) in view of Fritz et al (5505135). Dines et al teach all the limitations of claims 8 and 13 except the thickness of the walls decreasing from the base to the open end of the case. Fritz et al teach the walls decreasing from the base to the open end of the case (fig. 2); wherein the edges of the closed end are curvilinear and the thickness of the base generally exceeds the thickness of the walls thereby

Art Unit: 3641

producing a crucible shaped casing (fig. 2). At the time of the invention, it would have been obvious to one of ordinary skill in the art to have the walls of Dines et al decreasing from the base to the open end of the case as taught by Fritze et al since applicant has not disclosed that having the walls thicker at the base solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the walls thicker or thinner at the base relative to the walls at the open end of the case.

Allowable Subject Matter

Claims 7, 9, 14, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brooks et al. (US 6386109) for a perforating shaped explosive with a reinforced liner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3641

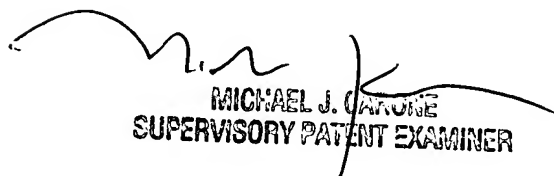
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Radi whose telephone number is 571-272-5883. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John A. Radi
Patent Examiner
Art Unit 3641


MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER